

To: Senator Gary Perry, Chair  
Senate Judiciary Committee  
From: Aart Dolman  
Date: February 4, 2009  
Re: Support for Senate Bill 0236

Dear Senator Perry and Senate Judiciary Committee Members:

I speak as a private citizen, and you should know that for many years I have been an advocate for Mental Health in North Central Montana. I am an active member of the Foundation for the Great Falls Center of Mental Health, and this organization has the responsibility to raise from private donors the necessary funds for Mental Health services in our community.

I have learned through these activities that mental disorders are common in the United States and that a quarter of Americans ages 18 and older suffer from a diagnosable mental disorder in a given year. This illness is expressly recognized as a mitigating factor in most death penalty statutes. For instance, the Supreme Court has held, in *Ford v. Wainwright*, that administering the death penalty is a cruel and unusual punishment. The execution of a person whose mental state renders little understanding of a death sentence is not acceptable in any civilization.

It is well known that a significant proportion of death row inmates are mentally ill. Many studies indicate that mental illness is often a contributing factor in the commitment of crimes.

For these reasons, most mentally ill people who are convicted on capital charges should not be executed. This would violate the equal protection of the laws in any jurisdiction. Such death sentences imposed on people with mental illness tend to violate due process of law.

Finally, many mentally ill offenders who are sentenced to death tend to be so impaired at the time of execution that it is doubtful that they can emotionally appreciate the significance of their punishment.

I urge you to support Senate Bill 0236.

Sincerely,



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